

Serial No.: 09/936,985
Group Art Unit No.: 1645

2. (Amended) The immunogenic composition of claim 1, wherein the protein antigen is an outer surface protein or a secreted protein of *Streptococcus pneumoniae*.

3. (Twice amended) The immunogenic composition of claim 1, wherein the protein antigen is a toxin, adhesion or lipoprotein of *Streptococcus pneumoniae*.

4. (Twice amended) The immunogenic composition of claim 1, wherein the protein antigen is selected from the group: pneumolysin, PspA or transmembrane deletion variants thereof, PspC or transmembrane deletion variants thereof, PsaA or transmembrane deletion variants thereof, glyceraldehyde-3-phosphate dehydrogenase, and CbpA or transmembrane deletion variants thereof.

[5. Please cancel.]

6. (Amended) The immunogenic composition of claim 1, wherein the protein conjugate is selected from the group consisting of: Diphtheria toxoid, Tetanus toxoid, CRM197, Keyhole Limpet Haemocyanin (KLH), protein derivative of Tuberculin (PPD), and protein D from *H. influenzae*.

REMARKS

Claims 1-9, 11, 12, and 14-15 are pending in the application. Claims 12 and 14-15 are withdrawn from consideration. Claims 1-9 and 11 are rejected. Claim 5 has been canceled. Support for the amendments can be found on page 1, lines 8-9, page 8, lines 17-20, page 20, lines 1-11 and Example 4 of the specification. In addition, attached hereto is a marked-up version of the changes made to the claims by the current amendments. The attached page is captioned "Version with markings to show changes made".

Claim Rejections – 35 U.S.C § 112, first paragraph

Claims 1-9 and 11 are rejected because the specification, while being enabling for at least one *Streptococcus pneumoniae* polysaccharide protein antigen and at least one *Streptococcus pneumoniae* protein antigen, does not reasonably provide enablement for immunologically functional variants or transmembrane deletion variants thereof. The Examiner has pointed out that the claims of the instant application are not only drawn to *Streptococcus pneumoniae*